IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 529 of 2005

Between:

1 S. Maruti, S/o Mallesham,
r/o Jafferda Post & Mandal, Warangal District.
2 Mangu Vijaya Kumar, S/o M. Gangaiah,
R/o D.NO. 24-7-25, Fathima Nagar, NMT Khazipet,

Warangal District.
3 Kalakoti Rupavathi, W/o Venkataiah,
R/o 29/7, Housing Board Area, Wadeepally,

Hanumakonda, Warangal District.

... PETITIONERS

AND

1. The Executive Engineer (Housing), A.P. Housing Board,

Warangal.
2 The Assistant Estate Officer, (the Competent Authority),
A.P.Housing Board, Warangal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in issuing the impugned proceedings C.No.62/CA/W8/2004, C.No.66/CA/W8/2004 and C.No.61/CA/W8/2004, dated -12-2004 respectively instructing the petitioners to evict the premises by 10-1-2005 as arbitrary, illegal and contrary to the procedure and violative of principles of Natural Justice apart from violative of Articles 14 and 19 (g) of the Constitution of India and quash are set aside the same and further directing the respondents to continue the petitioners in the said premises.

Counsel for the Petitioners: MR.P.VENKAT RAO

Counsel for the Respondents: MR.DARSI RANGANATH KUMAR, STANDING COUNSEL FOR APHB

The Court at the admission stage made the following :

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O R D E R:

The Petitioners are in occupation of certain premises belonging to the Andhra Pradesh Housing Board. Proceedings were initiated under Section 52 of the A.P. Housing Board Act, 1956 (for short "the Act"), for eviction. Orders dated 7.11.2001, under Section 52 of the Act, were served on the petitioners. Thereafter, the consequential orders passed under Section 53 of the Act, requiring the petitioner to vacate the premises and to pay the amount due, were also served on them. The petitioners challenge the same on several grounds.

Heard learned counsel for the petitioners and the learned Standing Counsel for A.P. Housing Board.

The necessity for this Court to delve into the merits of the matter is obviated for the reason that the orders, which are now challenged in this writ petition, are appealable under Section 55 of the Act, before the Court of District Judge.

In that view of the matter, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal. In view of the impending threat of dispossession, it is directed that the status quo, obtaining as on today, shall be maintained for a period of ten days from today, and in the mean while, it shall be open to the petitioners to move an appropriate application before the appellate authority. There shall be no order as to costs.

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20th January, 2005

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To

1. The Executive Engineer (Housing), A.P. Housing Board,

Warangal.

2 The Assistant Estate Officer, (the Competent Authority),
A.P.Housing Board, Warangal.

3 Two C.D.copies